

**City of Gardner  
Conservation Commission**



**Minutes of the Meeting of  
September 12, 2016, 6:00 p.m.  
Second Floor Meeting Room, City Hall Annex**

**Members present:**

Chairman Greg Dumas, Duncan Burns, Norman Beauregard David Beauregard Jane Cullen, Donna Lehtinen, David Orwig, and Conservation Agent Jeff Legros.

**Members absent:**

None

**Guests & Visitors**

Conrad Donell, Trustee, Sunshine Realty Trust/Sapphire Park; Kelly Janecitis, Gardner Resident; Paul Cormier, Gardner Resident; Alan Rousseau, Gardner Resident; Sue Rousseau, Gardner Resident; Glenn Maki, Specialty Wholesale Supply.

**Meeting**

**6:00** Open Meeting

**Public Hearings**

The Gardner Conservation Commission will resume the Public Hearing under the City of Gardner Wetlands Protection Ordinance (City Code 650) on the Notice of Intent filed by Conrad Donell, 106 Lancaster Road, Shirley, MA, represented by David Crossman, Wetland Scientist, B&C Associates, for the development of two single family house lots at Sapphire Park on Ruby Road and Opal Lane within the Buffer Zone of an Isolated Vegetated Wetland and Certified Vernal Pool. Lots #13 & #15. A corner of Lot #13 proposed dwellings will be within the 60-foot "No Build" Zone of the Gardner Wetlands Protection Ordinance (City Code 650). The applicant is seeking a variance for that work. Hearing has been continued from August 8, and August 22, 2016.

The Commission resumed discussion on the Public Hearing above. Mr. Donell presented the Commission with professionally engineered plans depicting the walking trail and easement. Active discussion around protections on the property under cluster development and lack of conservation restrictions. Mr. Donell does not feel the conservation restriction is needed. Agent Legros is highly in favor of adding a conservation restriction as it would protect the open space from further development in the future should exiting rules and regulations change.

Chairman Dumas and David Orwig questioned the overriding public interest of the walking trail and the fact there have been no variances allowed in the "no build zone" since 2010, 73 permits issued. There are 103 total buildable lots in the sub-division, a property wholly owned by the applicant, not requiring a variance.

- 6:30** A motion was made by D. Beauregard to close the hearing. The motion was seconded by D. Lehtinen and voted unanimously, all in favor.
- 6:35** Motion made by D. Beauregard to deny a variance on Lot #13 and issue an Order of Conditions on Lot #15. The motion was seconded by J. Cullen. Discussion ensued led by D. Burns that the Commission could not approve one lot and deny the other as they were filed jointly under the same Notice of Intent.
- 6:37** A motion was made by D. Burns to reopen the hearing. The motion was seconded by D. Beauregard and voted unanimously, all in favor.

Mr. Donell stated he wished to withdraw the NOI for Lots #13 and #15 on the assertion that he would not have filed both lots on the same Notice of Intent had he realized that both would be denied if a variance could not be granted for Lot #13. He felt that this was a misunderstanding and unfair given that Lot #15 does not require a variance.

Agent Legros stated that he had informed Mr. David Crossman, Wetland Scientist, B&C Associates, representing Mr. Donell, of this fact prior to the NOI submittal.

- 6:38** A motion was made by D. Burns to accept the withdrawal of the NOI. The motion was seconded by N. Beauregard and voted unanimously, in all in favor.

#### **Minutes**

- 6:39** A motion was made by N. Beauregard to approve the **Minutes of August 22, 2016**. The motion was seconded by D. Orwig and voted unanimously, all in favor with D. Burns and Chairman Dumas abstaining as they were not present at the meeting.

#### **Request for Determination of Applicability**

None

#### **Request for Certificate of Compliance**

- 6:40** **DEP File No. 160-0525 10 Linus Allain Ave (X17-32-2) Specialty Wholesale Corp.** Representative Mr. Maki presented pictures and a drone video of the site and work done. Agent Legros walked the site with a representative of Specialty Wholesale Corp. The Agent's concern over stabilization of site were addressed. Double hydro-seed of banking had been done.
- 6:50** A motion was made by N. Beauregard to issue a Certificate of Compliance pending the submission of an updated as-built plan depicting changes made to the shape of the storm water basin as described in the statement of substantial compliance. The plans shall be provided to Agent Legros by Mr. Maki. The motion was seconded by D. Beauregard and voted unanimously, all in favor.
- 6:50** **DEP File No. 160-0581 Lot 6A (M47-22-15) Green Street (Route 140) APK Real Estate.** Agent Legros and Commissioner Burns walked the site. All work done as stated, plants look good.

- 6:53** A motion was made by D. Beauregard to issue a Certificate of Compliance. The motion was seconded by D. Lehtinen and voted unanimously, all in favor.

### **Enforcement Order Continued**

- 6:54** Sunshine Realty Trust, Conrad Donell Trustee, Sapphire Park at Pearl Street and Shawn Avenue (*Continued from Meeting of August 8, 2016*):  
Peer Review – Phase II Wetland Delineation Review

No update. Agent Legros has repeatedly contacted the peer reviewer and received no response. Agent Legros will contact the peer reviewer assigned to the project again regarding an estimated completion date. If unsuccessful in reaching the reviewer Agent will contact her supervisor.

### **Presentations**

- 6:56** Mr. Alan Rousseau of 211 Betty Spring Road addressed the Commission on the subject of the City of Gardner Sludge Landfill expansion plans. He notified the Commission and Agent of the City Councils Informal Meeting scheduled on September 19 @ 6:00PM. Provide detailed GIS maps of site, Letter from Mayor to City Council President, DPW Letter to Mayor and City Council, CDR Maguire letter on recent study of Waste Water Treatment/Sludge Landfill Facility Plan Updates and Expansion.

The Commission was not aware of the proposed project which is adjacent to the Cummings Conservation Area and in close proximity to wetlands, and the Town of Templeton's well head.

- 7:06** Agent Legros will send a letter to the City Council on behalf of the Conservation Commission with the Commissions concerns. Mr. Rousseau encouraged Commissioners to attend the September 19<sup>th</sup> meeting.

### **New Business**

- **Recreational Trails Program Award**  
\$22K Awarded for enhancement of trails. Including maps, kiosks. Commission will engage civic groups, Boy Scouts and students to help with projects and arrange a Public Meeting for input on the City's Trails.
- **173 Clark Street Land abutting Conservation Property**  
Agent Legros informed the Commission of a residents request to remove invasive plants, maintain and landscape a portion of City Conservation Land abutting his property. A discussion was had but the Commission did not feel they should grant permission for such activities at this time. The Commission asked the Agent to seek the assistance of the Municipal Golf Course staff to assist with invasive species removal on City land.
- **Landscape Partnership Grant Open Space Land Acquisition Update**  
Agent Legros received an email from Janet Morrisson updating the Commission on the status of the grant award letter and contract. The Town of Winchendon has been unable to acquire the necessary funds for their portion (several lots in Winchendon) of the

project. The Massachusetts Department of Fish and Wildlife has expressed willingness to take ownership of some of that land which would meet the minimum requirements of the grant. Administrative activities and approvals to that end are in progress. Ms. Morrison anticipates the award letter and contract will be issued by the Massachusetts Executive Office of Energy and Environmental Affairs soon. At that time Gardner can begin the acquisition of the Alisauskas Property on Howard Street. Ms. Morrison has also been re-contacted by Mr. Omelia who expressed his interest in donating his land along the Bailey Brook and Leo Drive as Conservation Land with the assistance of the Conservation Land Tax Credit Program.

### **Old Business**

- **421 Leo Drive wetlands violation**

The home owner Mr. Truax appeared before the Commission to discuss the cutting that has been done. The cutting was significant and deliberate. The Commission recommended Mr. Truax work with Agent Legros to file an RDA. Mr. Truax was asked to attend the next Conservation Meeting 9/26/16 with a plan of action for restoration

- **Crystal Lake Community Forest Project**

Agent Legros will be working with a MWCC Natural Resources Student who will be volunteering 120 Hours for school project.

- **300 Clark Street Land Clearing**

Home owner states they are reestablishing the field by cutting trees. It appears the homeowner may be clearing the lot to build. Jeff to send letter to the homeowner for details.

- **MACC Fundamentals Training Courses and Fall Conference**

Upcoming education/certification courses available in October. Centered on forestry management and trees.

### **Adjournment**

**7:45** A motion to adjourn was made by D. Burns. The motion was seconded by D. Lehtinen and voted unanimously, all in favor.

Respectfully submitted,

Jeffrey D. Legros, Conservation Agent

All materials used at the meeting are available for viewing at the office of the Conservation Agent, Room 202 of the City Hall Annex.

Minutes are available as follows:

- Minutes are available on the City of Gardner website ([www.gardner-ma.gov](http://www.gardner-ma.gov)) under Conservation Commission.
- By appointment or request in Conservation Agent's office, Room 202 of the City Hall Annex
- Community Development & Planning office, Room 201 of the City Hall Annex